

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

BASF CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: 4:14-cv-02733
	)	
	)	
SNF HOLDING COMPANY, ET AL.,	)	
	)	
Defendants.	)	
	)	

**SNF CHINA’S REPLY IN SUPPORT OF ITS MOTION TO TRANSFER VENUE  
TO THE SOUTHERN DISTRICT OF GEORGIA PURSUANT TO 28 U.S.C. § 1404**

Plaintiff BASF Corporation’s (“BASF”) response to Defendant SNF (China) Flocculant Co., Ltd.’s (“SNF China”) motion to transfer is revealing for what it does *not* say. BASF does not contest that the Southern District of Georgia would have jurisdiction over all defendants, and thus, is an appropriate jurisdiction to hear this case. Likewise, it does not substantively contest that the convenience factors discussed in the remaining SNF defendants’ motion to transfer (and the Reply for which those defendants have sought leave to file) show that the Southern District of Georgia is the far more convenient forum. And it does not contest the fact that SNF China (which has no offices, employees or manufacturing facilities in Texas) sells its products to *Georgia* companies, but not to any *Texas* companies.<sup>1</sup>

---

<sup>1</sup> SNF China’s declaration accurately states that it has not been the importer of record of polyacrylamide products shipped to Texas. BASF does not contest this, but feigns surprise that SNF China would make this point. BASF, however, knows that whether a company is the importer is important because 35 U.S.C. § 271(g), the patent provision which BASF alleges that SNF China violated, creates liability against an importer of goods allegedly made by an infringing process, but not against the party that sells such goods to the importer. *Tec Air, Inc. v. Nippondenso Mfg. U.S.A., Inc.*, No. 91 C 4488, 1997 WL 49300, at \*4 (N.D. Ill. Jan. 30, 1997); *Pfizer Inc. v. Aceto Corp.*, 853 F. Supp. 104, 105 (S.D.N.Y. 1994).

BASF's only argument on the convenience factors is that SNF China may have witnesses who reside in China (conceding, as it must, that there are no Texas witnesses). But the fact that there may be relevant witnesses who reside in China does not affect the convenience analysis. *In re Genentech, Inc.*, 566 F.3d 1338, 1344 (Fed. Cir. 2009) (noting because witnesses abroad will have to travel "a significant distance no matter where they testify," any inconvenience of foreign witnesses is discounted for transfer analysis).

Accordingly, for all the foregoing reasons, and those set forth in SNF China's motion to transfer, SNF China's motion should be granted.

Dated: June 30, 2015

Respectfully submitted,

By: /s/ Danny L. Williams

Danny L. Williams, Attorney-in-Charge  
Texas Bar No. 21518050  
S.D. Tex. No. 406  
10333 Richmond Avenue, Suite 1100  
Houston, Texas 77042  
Telephone: (713) 934-7000  
Facsimile: (713) 934-7011  
danny@wmalaw.com

OF COUNSEL:

Christopher N. Cravey  
Texas Bar No. 24034398  
S.D. Tex. No. 37696  
Matthew R. Rodgers  
Texas Bar No. 24041802  
S.D. Tex. No. 37378  
**WILLIAMS MORGAN, P.C.**  
10333 Richmond Avenue, Suite 1100  
Houston, Texas 77042  
Telephone: (713) 934-7000  
Facsimile: (713) 934-7011  
cravey@wmalaw.com  
mrodgers@wmalaw.com

---

At most, BASF's evidence shows that, on occasion, products made by SNF China were imported through Houston by someone else, and does not affect the transfer analysis.

Charles W. Saber  
James W. Brady, Jr.  
Charles J. Monterio, Jr.  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street, NW  
Washington, DC 20006  
Telephone: (202) 420-2200  
Facsimile: (202) 420-2201  
saberc@dicksteinshapiro.com  
bradyj@dicksteinshapiro.com  
monterioc@dicksteinshapiro.com

G. David Fensterheim  
FENSTERHEIM & BEAN, PC  
Suite 700, 1250 Connecticut Ave., NW  
Washington, D.C. 20036  
202-841-7500  
david@fensterheimandbean.com

*Counsel for Defendant SNF (China) Flocculant  
Co., Ltd.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served on June 30, 2015 with a true and correct copy of this document via the Court's ECF system per LR5.1.

/s/ Donna E. Ward  
Litigation Paralegal